

IN THE FOURTH DISTRICT COURT OF THE STATE OF UTAH  
IN AND FOR UTAH COUNTY

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PROVO RESERVOIR COMPANY, a corporation,	)	
	)	
Plaintiff	)	No. 2888 Civil.
	)	
-vs-	:	PETITION FOR
PROVO CITY, et al, including	)	SUPPLEMENTARY DECREE.
CHARLES A.MADSEN,	)	
Defendants	)	

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To the Honorable Court above named:

Your petitioner T. F. Wentz, respectfully petitions and  
alleges as follows;

-1-

That the above entitled casue was tried in the Fourth  
District Court of the State of Utah, in and for Utah County,  
and a final decree entered and filed therein on the 2nd day  
of May, A.D. 1921.

-2-

That your petitioner, T. F. Wentz, is the duly appointed,  
qualified and acting Commissioner in the above entitled cause,  
and is acting as Commissioner and holding said position by  
reason of an Order of the Court entered herein on the 3rd day  
of April, A.D. 1922.

-3-

That the above named defendant, Charles A. Madsen, duly  
appeared in said cause of action and filed his answer therein  
and made proof, and his rights to the waters of the Provo River  
System were adjudicated by the Decree filed in the above entitled  
cause.

-4-

That the Decree filed in the above entitled cause provides  
for the appointment, by the Court, of a Commissioner, said  
Decree further provides that the Salary and Expenses of said

Commissioner shall be paid by assessing the parties to the above entitled action, said assessment to be made proportionate to the amount of water awarded; and the provisions of said Decree providing for the assessments to be borne by each of the respective parties as set forth in Section 130 of said Decree, and said Section 130 is hereby referred to and made a part of this petition.

-5-

That the Decree filed in the above entitled cause provides, (Paragraph 133) "And that the costs for the preparation of Findings and Decree, and the costs of entering this Decree and all other Court costs, shall be paid by the parties hereto in the same ratio and in the same manner as provided for the payment of the Commissioner and the expense of distribution and administration as hereinbefore provided."

-6-

That the Court during the pendency of the above entitled cause, made orders as on file herein, appointing Commissioners and providing for payment of salaries and expenses, and said orders are hereby referred to and made a part of this petition.

-7-

That under the provisions of said Decree and the Orders of the Court for levying assessments as hereinabove set forth, the above named Defendant, Charles A. Madsen, has been assessed for his portion of the costs and expenses the sum of \$20.01, and that said Defendant, Charles A. Madsen, has been noticed of said assessment in the manner provided for giving notice in said Decree and Orders, and that the said Defendant, Charles A. Madsen, has refused and still refuses to pay said sum of \$20.01 or any part or portion thereof, and the said defendant, Charles A. Madsen now is delinquent in the payment of said sum of \$20.01 to the Clerk of the Court under the provisions of the Decree filed in the above entitled cause, and there is due and owing to your petitioner by reason of the default and delinquency of the said

defendant, Charles A. Madsen, on account of Salary and Expenses incurred by your petitioner, the sum of \$20.01, and the same now is, and has been due and owing from the defendant, Charles A. Madsen, since the 1st day of December, A.D. 1922.

WHEREFORE, Your petitioner prays that an order of this Court issue, demanding the said Defendant, Charles A. Madsen, to appear before the said Court at a time fixed by the Court, and show cause if any he has, why a Supplementary Decree should not be entered in the above entitled cause awarding judgement against the said defendant, Charles A. Madsen, in the sum of \$20.01, with interest thereon from the 1st day of December, A. D. 1922, until paid, and that said Decree should provide that if said sum is not paid forthwith to the Clerk of the Court as required by the final Decree in the above entitled cause, that execution issue against the property of said Defendant, Charles A. Madsen, for the collection thereof. Petitioner prays for such other and further relief as may be meet and equitable in the premises.

T. F. Wentz  
Petitioner.

STATE OF UTAH    )  
                      : ss.  
County of Utah )

T. F. Wentz, being first duly sworn, deposes and says: That he is the petitioner who files the above and foregoing Petition; that he has read said Petition, and knows the contents thereof; that the same is true of his own knowledge, except as to matters stated therein on information and belief, and as to those matters, he verily believes it to be true.

T. F. Wentz

Subscribed and sworn to before me this 29th day of December, 1922.

Chase Hatch  
Notary Public.  
Residing at Provo City, Utah.



My Commission expires Dec. 11, 1925.